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SUMMARY RECORD OF THE 123rd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 11 November 1992, at 3 p.m.

Chairman: Mr. VOYAME

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION (agenda item 4) (continued)

First supplementary report of Norway (CAT/C/17/Add.1) (continued)

1. At the invitation of the Chairman, Mr. Wille, Mr. Myhrer, Ms. Nystuen and Mr. Strommen (Norway) took places at the Committee table.

2. Mr. WILLE (Norway) said that he and his colleagues would do their best to reply to the questions asked by the members of the Committee. Norway acknowledged the importance of the United Nations Voluntary Fund for Victims of Torture, to which it would continue to make a substantial contribution. It was also in favour of an optional protocol to the Convention against Torture and was, moreover, represented in the working group set up to draft the protocol. He recalled that the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment would pay its first visit to Norway in 1993. The Norwegian authorities were very much in favour of the principle of preventive country visits as a means of combating torture.

3. With regard to the observations by Amnesty International on alleged police brutality in the city of Bergen, he indicated that, before the submission of the supplementary report to the Committee against Torture, representatives of the Norwegian Ministry of Foreign Affairs had held a meeting with interested non-governmental organizations, representatives of the Norwegian Institute of Human Rights and members of Oslo University. The letter from Amnesty International had been discussed at that time and the Norwegian authorities had informed its representative that copies of the letter had been forwarded to the Ministry of Justice and the Ministry of Foreign Affairs.

4. Several members of the Committee had asked about the "dualistic approach" to the relationship between domestic law and international law. According to the dualistic system, a special act of implementation was required before an international instrument became applicable in the country. In practice, Norwegian courts applied the provisions of international law in accordance with the principle of presumption; in other words, domestic law was presumed to be in conformity with international law unless there was an express provision in domestic law that directly contravened the international rules; thus, domestic law was generally interpreted in such a way that it was in conformity with international law. If it was established that, on the basis of existing statutory rules and unwritten principles, domestic law was already in conformity with the provisions of an international treaty, no special act of transformation was required. That was what was known as "passive transformation" or "normative harmony". It should be pointed out, however, that increasing numbers of jurists, including the President of the Supreme Court, contested the currently prevailing dualistic approach. The courts were increasingly confronted with cases relating to respect for human rights and, thus, to the application of international human rights instruments; so far, the Supreme Court had found no element of conflict between domestic law and international law. It might thus be said that the questions disputed among scholars had not as yet been answered by the practitioners; it was clear that

the status of international human rights conventions was not for the moment altogether clear. The committee set up in 1989 to study ways and means of improving the implementation of international human rights instruments and to make proposals on the advisabiity of adopting constitutional or legal measures for the incorporation of certain human rights instruments into domestic law had not yet submitted its report. It appeared, however, that it would propose that a number of human rights conventions should be incorporated into Norwegian law and that a higher rank should be given to such instruments in the hierarchy of legal provisions. He hoped to have more to say on that subject when a future report was submitted.

5. Replying to another question, he confirmed that Norwegian law made no distinction between moral and physical harm. As to Mr. Sorensen's question on the 1988 Immigration Act, he said that it was possible to reject a foreigner at the border for the reasons listed in the Act, the decision to reject being taken by the Chief of Police or his representative. The case of any foreigner requesting asylum at the border or invoking certain rules of humanitarian protection was referred to the Director of the Immigration Services; in any event, an asylum-seeker would not be turned back at the border. A residence permit could also be issued for humanitarian reasons. In addition, Norway had a list of countries to which foreign nationals must not be sent back.

6. Concerning the definition of torture, it was quite true that terms such as "torture" and "cruel, inhuman or degrading treatment" were neither used nor defined in Norwegian law; however, some provisions of the Penal Code were fully applicable to the acts referred to in article 1 of the Convention.

7. Ms. NYSTUEN (Norway), replying to questions on compensation procedures, said that Norway had various mechanisms for both economic and non-economic losses. A person who caused physical or moral injury was deemed liable. Compensation by the State for injury as a result of a punishable act was governed by a supplementary compensation scheme which came into play when the person who had caused the injury was unable to pay. Claims for compensation could be linked with a criminal action; in such cases, it was the public prosecutor's obligation to ensure that the victim obtained the compensation to which he was entitled. Provisions for the payment of what the offender owed had been improved; for example, compensation could be recovered directly from the offender's employer. The amount of compensation was determined by the courts. The system for compensation by the State came into play when the offender was insolvent or when the authorities were unable to recover the amount owed. As a general rule, compensation for non-economic injury was granted only in special circumstances, which were interpreted very liberally by the courts. Thus, compensation was normally granted in cases of rape, if the victim was disabled, if weapons had been used, if mental suffering had been inflicted on the victim, etc. Compensation was not granted if the injury was not very serious or if the victim was partly to blame. Of 1,298 cases involving compensation, half had related to non-economic losses. Norway was a party to the European Convention on the Compensation of Victims of Violent Crimes.

8. Mr. MYHRER (Norway) said that the investigative body set up in connection with the alleged police brutality in the city of Bergen was responsible for investigating acts committed by members of the police or prosecution bodies in

the exercise of their functions. It conducted investigation, while the public prosecutor was responsible for bringing charges. It was presided over by a judge and had been set up to ensure that abuses by the police were investigated impartially and independently of the various police forces. There were no statistics on foreigners who might have been subjected to police brutality or on the conduct of the police in urban as opposed to rural areas. It could merely be stated that Norwegians lived mainly in towns and that was thus where most of the police were to be found.

9. With regard to the charges brought against 15 persons for making false accusations against the police, he said that three of those persons had been released, one had been acquitted and 11 had been convicted by a decision of a jury, which had been different in each case and the majority of whose members had found that there was sufficient evidence of false accusations.

10. Mr. STROMMEN (Norway) said he was pleased to be able to say that forced medication was not practised on mentally-ill prisoners; when necessary, only physical constraint was used. It was also true that, despite what had been done already, Norway could probably still improve the content of the training of medical personnel, including that of medical students and nurses. He noted that the Psychosocial Centre in Oslo, played an important role and that the Norwegian authorities had established a fruitful dialogue with the Norwegian Medical Association, which was particularly interested in medical ethics and torture. Any documentation published by the Association would be forwarded to the Committee.

11. Extradition could be granted to countries with which Norway had not concluded treaties, but, in such cases, it was subject to specific requirements such as investigations, court rulings on the lawfulness of the extradition and a final decision by the Minister of Justice. There were also provisions covering cases in which extradition could not take place (para. 23 of the report). In general, Norway implemented the principle of universal jurisdiction which was applicable to acts of torture committed abroad by Norwegian nationals, as well as to acts committed abroad by foreigners. That approach was a tradition which dated back to the trial of war criminals after the Second World War. If a person who had committed an act of torture was in danger of ill-treatment or the death penalty if he was extradited, he would be tried in Norway.

12. Mr. WILLE (Norway), replying to a question by Mr. Voyame on the conditions in which testimony obtained unlawfully could be admitted as evidence, referred to paragraph 41 of the report and said that, although there was no specific legislation on the matter, the practice was systematic: no testimony obtained unlawfully was admissible. For example, in a recent ruling, the Supreme Court had refused to admit as evidence a video recording made illicitly by the owner of a video shop who had spied on his staff by using a hidden camera.

13. In reply to Mr. Sorensen, who had asked whether Norway was a party to the European Convention on the Transfer of Sentenced Persons, he said that the Minister of Justice had recommended that the Parliament should ratify that convention. Replying to a further question by Mr. Sorensen, he said that, according to section 183 of the Criminal Procedure Act, a detained person must

be brought before a judge on the day following his arrest, failing which the reasons must be placed on record in accordance with a special procedure.

14. In reply to Mr. Mikhailov, he said that no special instruction on torture was provided in law faculties, but, in human rights courses, considerable attention was paid to United Nations conventions.

15. The CHAIRMAN, referring to paragraph 25 of the report, asked why the word "can" was used in connection with judicial assistance given to a foreign State; such wording fell far short of the obligations of States under the Convention, article 9 of which used the word "shall".

16. Ms. NYSTUEN (Norway) said that that was a drafting mistake and that Norway fully assumed those obligations.

17. The CHAIRMAN said he understood that no provision was made in Norway for the overall responsibility of the State for injury caused unlawfully by its agents. He requested further details on that question.

18. Ms. NYSTUEN (Norway) assured the Chairman that the State was indeed held responsible for unlawful injury caused by its agents.

19. The CHAIRMAN, noting that the amount of NOK 150,000 had been mentioned, asked whether that was the most the State would pay in the event that acts of torture were committed by its agents.

20. Ms. NYSTUEN (Norway) said that, in such a case, the responsibility of the State would not be limited to that amount.

21. Mr. LORENZO inquired about the new investigative body set up to inquire into accusations against the police. In many countries, the police - and, to an even greater extent, the army - were so tightly knit that it was virtually impossible to investigate their actions. He understood that the "commission of inquiry" was presided over by a judge and asked whether the latter could act in the capacity of a member of the commission. He also wished to know what happened once the investigation had been completed.

22. Mr. WILLE (Norway) confirmed that the judge presiding over the commission could act as a member. Once the investigation had been completed, justice followed its normal course.

23. The meeting was suspended at 4.05 p.m. and resumed at 4.12 p.m.

24. Mr. SORENSEN (Country Rapporteur) thanked the Norwegian delegation for its clear and comprehensive replies. On his own behalf and that of the Alternate Country Rapporteur, Mr. Khitrin, he proposed the following conclusions on the report by Norway:

25. The first supplementary report of Norway had been submitted punctually and showed what progress had been made in the implementation of the Convention in Norway since the Committee had dealt with the initial report at its April 1989 session. Apart from a few points which had been cleared up during the

discussion, the only problem was the relationship between international law and, in particular, the Convention against Torture and Norwegian domestic law.

26. The Committee recommended that Norway should include a definition of torture in its domestic law and that it should explicitly characterize torture as a crime; that would make it possible to solve problems relating to universal jurisdiction. Another solution, equally acceptable, would be to make the Convention part of Norwegian domestic law.

27. The CHAIRMAN said that, if he heard no objections, he would take it that the Committee adopted the conclusions proposed by the Country Rapporteur and the Alternate Country Rapporteur and thanked the Norwegian delegation for its cooperation.

28. Mr. Wille, Mr. Myhrer, Ms. Nystuen and Mr. Strommen (Norway) withdrew.

29. The meeting was suspended at 4.17 p.m. and resumed at 4.32 p.m.

First supplementary report of Argentina (CAT/C/17/Add.2) (continued)

30. At the invitation of the Chairman, Mr. Lanus and Mr. Paz (Argentina) took places at the Committee table.

31. Mr. LANUS (Argentina), replying to the questions asked by Mr. Lorenzo said that the amendments to criminal legislation referred to in paragraph 3 of the report by Argentina related to the Code of Penal Procedure, not to the substantive criminal legislation.

32. He explained the there were different levels of legislation in Argentina, which was a federal State: federal legislation, which applied throughout the country; legislation common to the various codes; local codes of procedure; and municipal legislation. International conventions applied throughout the federal territory and provincial jurisdiction was transferred to the federal level. New legislation relating to procedure was applicable in the capital, which was a separate district; it was similar to that in force in all the provinces.

33. Replying to another question by Mr. Lorenzo, he said that under the new legislation, the system already in force in the city of Córdoba, whereby lawyers could be present in police stations, would be extended to all parts of the country.

34. With regard to the compensation scheme established for persons who had been placed at the disposal of the National Executive before the restoration of democracy, he said that the new Act provided for a benefit equal to one thirtieth of the monthly salary paid to the civilian staff of the national public administration in the highest category. Victims who considered the benefit inadequate could appeal to the State for additional compensation.

35. He did not have the report of the National Department of Human Rights of the Ministry of the Interior referred to in the Buenos Aires newspaper Clarín; it was nevertheless clear that the Argentine Government was eager to conduct more efficient investigations of the cases of unlawful coercion in question.

In that connection, he read out decision No. 36/91 of 24 October 1991, in which the Attorney-General of the Nation had instructed court prosecutors to order public prosecutors in courts of first instance with jurisdiction in criminal cases to comply faithfully with their obligations, placing special emphasis on the exhaustion of all means of obtaining evidence in the investigation of offences under articles 144, 144 (2) and 144 (3) of the Penal Code. He then referred to decision No. 2/92 of 15 January 1992, which had established a computerized register of offences under articles 144 (2) to 144 (5) of the Penal Code under the jurisdiction of the Office of the Attorney-General of the Nation. The practical purpose of the register was to follow up the court cases in which the above-mentioned crimes were investigated and to record the judgements handed down, so that no offence would go unpunished.

36. The Argentine delegation would reply in writing to Mr. Lorenzo's request for clarifications about the death of Sergio Gustavo Durán.

37. It was true that confessions had been obtained under torture from the persons responsible for the attack on a barracks which had taken place in Buenos Aires in 1989. The military personnel and police officers guilty of those acts of torture had been tried under ordinary law. The Defence of Democracy Act did not provide for penalties for that offence and that was why the ruling had been made on the basis of ordinary legislation. The sentences had not all been handed down, but the Argentine delegation would communicate all the relevant information to the Committee as soon as possible.

38. With regard to the compliance of the presidential pardon of October 1989 with the provisions of the Convention against Torture, he recalled that pardon was based on an old Spanish law tradition and that it removed the penal consequences without wiping out the offence or the infamy attached to it.

39. Mr. PAZ (Argentina), replying to a question by Mr. Ben Ammar, said that, once ratified, international instruments were directly applicable by the courts in the same way as domestic legislation. In that connection, he referred to article 27 of the Vienna Convention on the Law of Treaties, which provided that "A party may not invoke the provisions of its internal law as justification for its failure to perform a treaty", and confirmed that the international instruments ratified by Argentina took precedence over domestic legislation.

40. Mr. LANUS (Argentina), replying to a question about the procedure for the appointment of judges, said that the Argentine system was modelled on that of the United States of America. Judges were thus nominated by the executive through the Ministry of Justice and the Senate based its agreement on the ability of the candidates to carry out the functions involved. In order to strengthen that procedure, a Council for the Judiciary had been set up, composed of officials (judges, lawyers, etc.) who took part in the appointment and possible dismissal of judges.

41. Mr. PAZ (Argentina), replying to Mr. Ben Ammar's question about the precedence of international instruments over domestic legislation, said that Argentina had moved from the dualist theory, whereby an act of incorporation had to be promulgated for a rule of international law to enter into force, to

the monist theory, which was better suited to the fundamentally democratic nature of the Argentine regime.

42. Mr. LANUS (Argentina), replying to Mr. Ben Ammar's request for clarifications concerning paragraph 2 of the report of Argentina, according to which the "states of emergency which gave rise to the declaration of the state of siege suspending the rights and guarantees of the citizens on two occasions did not hamper full respect for the principles embodied in the Constitution before, during or after the state of siege", said that it had been necessary on two occasions to proclaim a state of siege in Argentina as a result of social tension during the establishment of a fully democratic regime. The state of siege had never lasted for more than 30 days and only freedom of assembly and freedom of movement had been restricted. Moreover, the state of siege had been declared only in certain regions of the country. Article 4, paragraph 2, of the International Covenant on Civil and Political Rights had thus always been fully respected.

43. Replying to another question by Mr. Ben Ammar, he said that, at the Government level, there were two bodies to which non-governmental organizations could appeal in the event of alleged violations of human rights. One was the General Department for Human Rights and the Status of Women in the Ministry of Foreign Affairs and Worship and the other was the National Department of Human Rights in the Ministry of the Interior. They could received complaints from citizens and refer them to the courts. There was thus no conflict between the interests of human rights organizations and those of the Argentine Government.

44. Mr. PAZ (Argentina) said that the Argentine authorities were genuinely attached to respect for human rights and the relevant international standards. Argentina was also in favour of the activities carried out by non-governmental organizations, which were the conscience of the free world.

45. In reply to a question by Mr. Ben Ammar concerning case No. 75787 A, referred to in paragraph 25 of the report, he said that it was not at present possible to provide all the relevant details, but the senior provincial police officers in Mendoza had all been dismissed.

46. Mr. LANUS (Argentina), replying to a question by Mr. Mikhailov concerning the National Constitution, which had been in force since 1853, said that it was based on the principles of the Age of Enlightenment and aimed above all to guarantee the rights of citizens and the proper functioning of the different powers. Article 18 of the Constitution prohibited the use of ill-treatment and torture. Plans to amend that text were in the early stages. In any event, the present Argentine Constitution already fully guaranteed the rights of individuals and the freedoms of citizens.

47. Replying to another question by Mr. Mikhailov on the compensation of alleged victims of torture and other cruel, inhuman or degrading treatment or punishment, he explained that claims were submitted by the victims to the Ministry of the Interior, which, as the political arm of the Government, was the most competent body to handle such claims.

48. Mr. LANUS (Argentina), replying to a question concerning Argentina's accession to the Inter-American Convention to Prevent and Punish Torture and to the relationship between that instrument and the United Nations Convention against Torture, said that the two instruments were complementary. In the event of a discrepancy between the two texts on any point, the courts applied the provision that was most favourable to the citizen.

49. With regard to the new Code of Penal Procedure, which had just entered into force in Argentina, the Minister of Justice was responsible for familiarizing judges with it by providing them with technical assistance. Since Argentina had decided to overhaul its substantive criminal legislation, the new Code of Penal Procedure was necessary.

50. Explanations had been requested on the training course, referred to in paragraph 36 of the report, on the "institutionalization of Christian thought". The aim was to study Christian thought from a historical and non-denominational point of view and to determine how it had influenced and continued to influence institutions and respect for human rights, such as the right of asylum; Greek and medieval thought was also taught in that context. There was no question of promoting religious ideas; the aim was to study the influence of the Church on the protection of individual freedoms from a historical point of view. In that connection he said that, although the State supported the Catholic religion in accordance with the Hispanic tradition, the Constitution provided for absolute freedom of worship in Argentina, where many religions were established without the slightest problem. The various churches were registered with the Department of Worship and were not subject to taxes.

51. The death penalty did not exist in Argentina. He recalled that the Argentine Government had ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, as well as the Inter-American Convention on Human Rights, which prohibited the reintroduction of that penalty.

52. He believed that he had already answered Mr. El Ibrashi's first question on the states of emergency referred to paragraph 2 of the report. The same was true of the second question relating to paragraph 13 and the steps taken by the Office of the Attorney-General. In that connection, he referred to decisions No. 36/91 and No. 2/92 and to the computerized register of cases of unlawful coercion and torture. In his third question on paragraph 14 of the report, Mr. El Ibrashi had asked why claims for compensation were submitted to the Ministry of the Interior, and whether its decisions could be appealed. Article 3 of Act No. 24,043 on the compensation of victims provided that, if the application for the benefit was partially or totally rejected by the Ministry of the Interior, the claimant could appeal within 10 days to the Federal Administrative Court, which must rule on the matter within 20 days.

53. Mr. PAZ (Argentina), referring to Mr. El Ibrashi's question on paragraph 16 of the report, said that, if the claimant's case did not correspond to the conditions of compensation laid down by law, the claimant could appeal to the ordinary courts, which did not have to stay within any pre-established limits for the amount of compensation to be awarded. The settlement was described as "amicable" because there was no conflict of

interest; when the claimant considered that the harm suffered was more serious than the compensation provided for, he could appeal directly to the Court, which would assess the harm and authorize appropriate compensation.

54. Mr. LANUS (Argentina) said that Mr. El Ibrashi had also asked for details on the new courts set up under the new Code of Penal Procedure. The legal system had in fact been thoroughly reorganized and the relevant organization act established a number of new courts. The text was very long and the Argentine delegation would communicate it to the Committee if the Committee so wished.

55. Amnesty International, as well as other similar bodies, were doing remarkable and necessary work to promote human rights. With regard to the accusations by Amnesty International to which Mr. El Ibrashi had referred, he did not have the information necessary to provide a detailed reply. If Amnesty International had specific offenses to denounce, it should apply to the appropriate authorities so that the legal machinery might be set in motion. If enough evidence could be collected to warrant a serious investigation, the cases would be followed up in the normal way and brought before the courts.

56. Mr. Sorensen had referred to one of the three cases described in paragraph 25 of the report, asking about the application of article 144 (3) of the Penal Code and pointing out that the accused person in question had been sentenced to one year's imprisonment, whereas article 144 (3) provided for a minimum sentence of five years for that type of offence. Mr. Sorensen had also expressed surprise that no doctor had been punished in such cases and had referred to the case of a doctor who, according to a BBC programme, had taken part in torture. He personally found the sentence of one year's imprisonment strange and would request explanations from the competent authorities because, at the moment, he did not have any information. He should be in a position to furnish more detailed information within a few weeks. The education programmes for prison staff which had been mentioned did not concern doctors. In addition to having taken the Hippocratic oath, they received thorough ethical training during their university studies. The University of Buenos Aires had created a chair of human rights in the School of Medicine and other faculties. Argentina was one of the most advanced countries in that regard. It was true that ethical training would not prevent some persons from failing to honour their commitments or some doctors from behaving unworthily.

57. Mr. Burns had asked how the judiciary had adapted to the new legislation. In Argentina, the laws applied ex ipso facto, whereas the Anglo-Saxon system was based on precedents. Judges had to enforce the laws as from the day following their publication, as expressly provided in Act No. 48 of 1863; a judge who failed to do so was dismissed, as had happened on many occasions.

58. Mr. PAZ (Argentina) said that the question of the prohibition of access to persons being held in detention which had been raised at the preceding meeting applied to members of the family and other persons, not to defence counsel. The new Code of Penal Procedure, which had reduced the period during which a person could be held incommunicado, provided that the first right of a detained person was to communicate with a lawyer, within 10 hours of his

arrest. Denial of access was intended only to prevent a suspect from entering into contact with other suspects.

59. Referring to Mr. Sorensen's question about the case dealt with in the BBC programme, he said that, in Argentina, some offenses were publicly actionable, meaning that it was everyone's duty to denounce the offenders. Thus, anyone who had seen the BBC film and who knew the doctor in question and where he might be found should make that knowledge known; the doctor in question had committed a publicly actionable offence and should not be allowed to go unpunished.

60. Mr. LANUS (Argentina) said he hoped that he had answered all the Committee's questions and dispelled some uncertainties and doubts. He reaffirmed that his country's primary concern was the consolidation of legislation that guaranteed the security of individuals and the proper functioning of justice and the executive. The Constitution ensured respect for those principles, which were now established values in all of Argentine society, which was determined to put an end to practices it rejected. The authorities, citizens' and human rights associations, the administration, public opinion and political parties would all denounce torture and other inhuman treatment and bring such cases before the courts whenever there were sufficient grounds for doing so.

61. The CHAIRMAN thanked the representatives of Argentina.

62. Mr. Lanus and Mr. Paz (Argentina) withdrew.

63. The CHAIRMAN asked Mr. Lorenzo and Mr. Ben Ammar whether they were ready to propose conclusions and recommendations on the report of Argentina.

64. Mr. LORENZO (Country Rapporteur) said that he would put forward some conclusions and recommendations to which Mr. Ben Ammar might then add. In the first place, the Committee could conclude that, since the entry into force of the Convention against Torture for Argentina the general situation as far as its implementation was concerned could be regarded as basically good; Argentina was one of the countries that were taking active steps to eliminate torture. The second conclusion was that it was still a matter of concern that there were so many cases of torture and inhuman treatment involving detainees, particularly when they were held in police stations in the federal capital or in certain provinces. Another concern related to the scant results of judicial investigations conducted as a result of allegations of torture and other inhuman treatment. The last source of concern was the presidential pardon granted in 1989, especially in respect of cases where the pardon had totally hampered investigations and prevented the punishment of persons guilty of torture. In the latter case, that measure might be considered contrary to articles 4, 6 and 14 of the Convention.

65. Because it was difficult to obtain detailed information on the provincial states, the Committee's first recommendation might relate to the establishment of an inter-state commission composed, for example, of representatives of the Ministry of the Interior, the Ministry of Foreign Affairs, the Ministry of Justice, the judiciary, the Office of the Attorney-General of each provincial state. The commission would be responsible for implementing recommendations

of the Committee and perhaps of other international human rights bodies; and for preparing future reports. Secondly, it might be recommended that some very interesting measures, such as the assignment to each police station of an official who had legal training and represented the judiciary, should be taken in all parts of the country. Thirdly, steps should be taken to improve and speed up the procedure for dealing with allegations of ill-treatment. A fourth recommendation would relate to compensation for all victims and their families, and not only those whose cases were covered by the law. Lastly, the Committee might, as agreed with the Under-Secretary-General for Human Rights, draw the attention of the State party to the existence and purpose of the United Nations Voluntary Fund for Victims of Torture, so that it might consider the possibility of making a contribution.

66. Mr. BEN AMMAR (Alternate Country Rapporteur), suggesting a minor amendment to the first conclusion proposed by Mr. Lorenzo, said that, in order to avoid describing a particular situation as "good", a term such as "positive" should be used. With regard to the first recommendation, it would be better to suggest the establishment of a national agency for the protection and promotion of human rights, as advocated by the Commission on Human Rights; its composition might be broader: it might, for example, include representatives not only of ministries, but also of Parliament, organizations, associations and persons taking part in their personal capacity.

67. Mr. LORENZO (Country Rapporteur) said that he endorsed Mr. Ben Ammar's suggestions.

68. Mr. KHITRIN said that the Committee could not be so categorical in its assessments as to use terms such as "good" or "positive" to describe the situation in Argentina, where there was obviously room for improvement. The Committee should, rather, note that the Argentine authorities were endeavouring to ensure that the Convention was respected.

69. Mr. MIKHAILOV said he agreed that it was not the Committee's role to make positive or negative assessments. In the case under consideration, it should note that substantial progress had been made in all areas, and particularly in respect of legislation, and express its concern about some specific situations. Moreover, it was perhaps not wise to make a recommendation concerning the Voluntary Fund for Victims of Torture, in view of the financial crisis in Argentina at the present time. The Committee should postpone the adoption of its conclusions and recommendations until the following meeting.

70. Mr. SORENSEN said that he endorsed that proposal. He was also of the opinion that it would be premature to adopt conclusions and recommendations immediately and that a discussion was called for on such important matters.

71. The CHAIRMAN said that the Argentine delegation would be able to be present at the following meeting and proposed that the intervening period should be used to draft conclusions that might be adopted by consensus.

72. It was so decided.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2) (continued)

73. The CHAIRMAN, recalling that the Committee held a press conference at each session, suggested that a slight change might be made so that a specific issue could be highlighted by the Committee on those occasions. In the present case he proposed that the emphasis should be placed on communications. While there were now 70 States parties to the Convention, the Committee had received very few communications. Since the procedure to be followed was not well enough known, especially among lawyers, he suggested that a press kit describing the communications procedure might be drafted in very simple terms. Journalists could quote it directly and it would thus be easier to reach a larger number of persons.

74. Mr. BURNS, Mr. LORENZO and Mr. SORENSEN said that they fully supported that suggestion which they found excellent.

75. Mr. SORENSEN said that the non-submission of communications was often invoked by States against the Committee.

76. Mr. KHITRIN said that the Convention did not receive enough publicity and suggested that, at the next session, the members of the Committee might bring with them copies of the documentation prepared in their countries.

The meeting rose at 6.10 p.m.